

Begin forwarded message:

**From:**

**Date:** April 11, 2021 at 7:48:46 PM EDT

**To:** "David j. Singer" <[djsinger@verizon.net](mailto:djsinger@verizon.net)>

**Subject:** Comments for April 12 Charter meeting

David— To you, and through you, to the members of the Review committee:

I will be attending the Charter Review Comm mtg tomorrow night. I did not see any report that gives the Council a range of signatures needed for a referendum petition. If the Committee recommends 10% of all registered voters, you will be **quadrupling** the number of signatures that were required in 2019 for the library referendum. I hope you will not approve such a dramatic change in required signatures.

I also found the following sentence in the 7-8 narrative quite strange:

“In order to protest government decisions **there needs to be a measured degree of initial support for protest and a likelihood of success** in order to petition for a ballot vote and thereby suspend for a substantial period of time the passage of a measure enacted by the representative body.”

Two points:

1. With regards to “the measured degree of initial support,” the Committee stated in an earlier report it was concerned about “allowing for relatively small numbers of voters to override the City Council.” I believe the Committee is confusing the number of signatures needed to certify a referendum petition, versus the number of votes needed to override the city council. Just because you gather 400 or 500 signatures to certify a petition, does not mean you have overridden the city council. You will need at least a couple thousand votes to overturn a Council vote. The 2019 referendum received more than 2,000 votes against the library—and lost. The committee is misleading the Council by suggesting that

“relatively small numbers of voters [can]override the City Council. The number of signatures needed to commence or complete a referendum petition do not override anything. Only a fairly large number of voters can do that.

2. The statement that there must be a **likelihood of success in order to petition for a ballot vote**

has no place in a referendum discussion. Who determines the “likelihood of success?” The city council? Based on what criteria or metrics? I was told repeatedly in 1993 that we had no chance of referendum success. But we won. Voters who bring forward a referendum petition may feel they have a chance of success—but without extensive Polling—neither petitioners nor the Council have any estimate of the likelihood of success of their petition—and they have every right to propose a referendum—even if they fear they will lose.

Referendums are for citizens who object to a council vote—not those who think they are likely to succeed.

I urge the Committee to strike the sentence above from its report.

Here is the passage from an earlier report which I think reveals a misunderstanding of what a referendum is. It is neither a “third rail of government” nor a “third branch of government”, (which the Committee has also called it in another document.)

Referendums are an important 1st amendment right to petition government for redress of grievances. Here is what the Council wrote:

“Depending upon the number of voters necessary to initiate such action, this Section can either be a **third rail of government** in Greenfield (low number allows for easier access) **allowing for relatively small numbers of voters to override the City Council** and School Committee votes generated by their elected judgement, or should it be a high number of voters to act as a check and balance to the City Council or School Committee in the event there is **a ground swell of support contrary to the judgment of the elected bodies.**”

It is not up to a group of 13 Councilors to judge what is a “groundswell” of support. In our last Mayoral election, 53% of the voters stayed home. Would you call that a “groundswell” of opposition to local government?

These statements noted above in the Review Committee report suggest to me that a committee dominated by current or former city legislators is perhaps not the place to decide how many votes it should take to hold a referendum challenging a vote of the same legislators.

I urge you to ask the City Council to let ALL the voters of Greenfield have section 7-7 and 7-8 on the ballot next November—along with any other sections of the proposed Charter which might be controversial, or key changes to the City’s Charter.

The Charter belongs to the people, they should have the final say, on a motion made by the Council to put these issues on the ballot.

Thank you all for your thoughtful attention to these issues.

**From:**

**Date:** April 12, 2021 at 11:01:43 AM EDT

**To:** David Singer <[djsinger@verizon.net](mailto:djsinger@verizon.net)>

**Subject:** Re: Comments for April 12 Charter meeting

On Mon, Apr 12, 2021 at 8:38 AM David Singer <[djsinger@verizon.net](mailto:djsinger@verizon.net)> wrote:

Thank you for your email.

David,

No, this is your summary of what I am saying. I would restate my position this way:

If 5% of the registered voters in Greenfield (636 voters) in the city are concerned about the impact of a vote made by 13 city councilors, they should be able to request that the voters as a whole weigh in on this policy decision made by 13 legislators. In the past this right to ask for the voters to weigh in has not been abused or used for frivolous purposes. The "commencement" number is small, only because the referendum first has to be reviewed by city council, but to certify a petition you are engaging hundreds of voters to express their opposition. The issue of "likely to succeed" has no bearing on the decision to seek a referendum. Any candidate for office knows that they may or may not succeed in a bid to hold office, but they have the right to seek office (with only 50 signatures to be a City Councilor. People who seek a referendum hope they will succeed, but realize they may not. They seek a referendum, because, as you told your committee, "sometimes government acts badly." I would say that sometimes government makes a mistake--perhaps a costly one--and the voters seek redress. The Council action is paused---not for a long time--and the Council has the opportunity to reconsider their vote.

I hope you will share my comments as I wrote them.

If I understand you correctly you are saying that the First Amendment right to protest government action means that 5 percent of registered voters should be allowed to freeze a duly enacted measure for many months even though at the time the measure is frozen the petitioners do not know if they have enough votes to win at the ballot. This right to freeze allows the petitioners to take their case to the public during the waiting period to see if enough support can be garnered. Under your concept it does not matter if the petitioners know they can win at the end of the day. It just matters that the petitioners are granted the right to try.

Is that a fair summary?

David